

U.S. Patent Application Serial No. **10/516,949**
Amendment filed April 13, 2010
Reply to OA dated June 3, 2009

REMARKS

Claims 1, 3-9 and 11-16 are pending in this application. Claims 5 and 13 has been canceled herein without prejudice and disclaimer, and claims 1 and 9 are amended. Upon entry of this amendment, claims 1, 3-4, 6-9, 11-12, and 14-16 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. The amendment to claim 1 incorporates the limitation of claim 5 and the amendment to claim 9 incorporates the limitation of claim 13.

Claims 1, 3-5, and 7 are rejected under 35 U.S.C. §102(e) as being anticipated by Tsuchiya et al. (US 6,672,318). (Office action paragraph no. 5)

Reconsideration of the rejection is respectfully requested in view of the amendment to claim 1. Claim 1 has been amended to recite: “wherein the fence has a tip portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate to be treated to lead the treatment solution into the collection tank selected.”

First of all, Applicant submits that the feature “the plurality of fences is respectively driven only upwards to separately collect said plurality of treatment solutions ...,” as recited in claim 1, is not disclosed in Tsuchiya et al.

In addition, claim 1 has been amended to recite that “the fence has a tip portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate to be

treated to lead the treatment solution into the collection tank selected.” This “reflective face that is curved” is illustrated in Fig. 4 of the present application, where tip portions 4a are distinctly curved in the cross-sectional view. Applicant notes that this structure has the effect that, even if chemicals strike the fence, the chemicals never attach thereto and settle there, and the chemicals are never reflected to the outside of the collection tanks. (See page 13, line 26 to page 14, line 19 in the specification).

The Examiner states that Tsuchiya’s Figs. 13-15 illustrate a tip portion with a reflective face that is curved that is curved to reflect the treatment solution scattered from the substrate W into the selected collection tank (page 5 of the Office action). However, Applicant respectfully disagrees. As can be seen in Fig. 12 of Tsuchiya, inner inclined member 60, intermediate inclined member 56 and outer inclined member 52 are parts of waste liquid recovery mechanism 50 (see column 10, lines 16-30). Each of these inclined members is entirely straight in the cross-sectional views in Figs. 12-15, and their tip portions are therefore also straight, and not curved. Tsuchiya neither discloses nor suggests this limitation of amended claim 1.

Claims 1, 3-5, 7, 9, 11-13, and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over JP 2000-183010A.
(Office action paragraph no. 8)

Reconsideration of the rejection is respectfully requested in view of the amendments to claims 1 and 9. Each of these claims has been amended to recite: “wherein the fence has a tip

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portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate to be treated to lead the treatment solution into the collection tank selected.”

First of all, Applicant submits that the feature “the plurality of fences is respectively driven only upwards to separately collect said plurality of treatment solutions ...,” as recited in claims 1 and 9, is not disclosed or suggested in JP ‘010A.

In addition, claims 1 and 9 have been amended to recite that “the fence has a tip portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate to be treated to lead the treatment solution into the collection tank selected.” This “reflective face that is curved” is illustrated in Fig. 4 of the present application, as discussed above. The tip portion of the intermediate cup wall 30 (“fence”) in JP ‘010 is not curved, as can be seen, for example, in Fig. 4 of the reference. The reference also does not suggest such a structure for the intermediate cup wall 30.

Independent claims 1 and 9 and the dependent claims are therefore not anticipated by or obvious over JP 2000-183010A.

Claims 8, 9, 11-13, and 15-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya et al. (US 6,672,318). (Office action paragraph no. 9)

Reconsideration of the rejection is respectfully requested in view of the amendments to claims 1 and 9. Each of these claims has been amended to recite: “wherein the fence has a tip

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portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate to be treated to lead the treatment solution into the collection tank selected.”

Applicant has argued above that Tsuchiya et al. does not disclose: 1) the limitation that “the plurality of fences is respectively driven only upwards to separately collect said plurality of treatment solutions” and 2) that “the fence has a tip portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate.” The Tsuchiya et al. reference also does not suggest these limitations of claims 1 and 9, and base claims 1 and 9, as well as the dependent claims, are not obvious over Tsuchiya et al.

Claims 6 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tsuchiya et al. as applied to claims 1 and 9 above, and further in view of JP 2000-183010 A.
(Office action paragraph no. 10)

Reconsideration of the rejection is respectfully requested.

Applicant has argued above that neither Tsuchiya et al. nor JP ‘010A discloses: 1) the limitation that “the plurality of fences is respectively driven only upwards to separately collect said plurality of treatment solutions” and 2) that “the fence has a tip portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate.” Similarly, neither reference suggests these limitations of the claims, and base claims 1 and 9, as well as the dependent claims, are not obvious over these references taken separately or in combination.

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Claims 6, 8, 14 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2000-183010A. (Office action paragraph no. 11)

Reconsideration of the rejection is respectfully requested. Applicant has argued above that JP '010A does not disclose or suggest: 1) the limitation that “the plurality of fences is respectively driven only upwards to separately collect said plurality of treatment solutions” and 2) that “the fence has a tip portion formed to be a reflective face that is curved to reflect the treatment solution scattered from the substrate.” Claims 1 and 9, as well as the dependent claims, are not obvious over JP '010A.

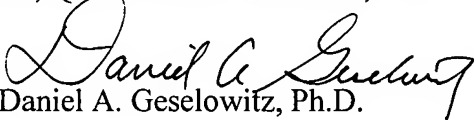
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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